



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: OKAMURA=2E

In re Application of:)	Art Unit: 1646
)	
OKAMURA et al.)	Examiner: D. Jiang
)	
Serial No.: 09/373,230)	Washington, D.C.
)	
Filed: August 12, 1999)	April 20, 2001
)	
For: IFN-(PRODUCTION INDUCING)	
PROTEIN AND MONOCLONAL)	
ANTIBODY OF THE SAME)	

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TERMINAL DISCLAIMER

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

KABUSHIKI KAISHA HAYASHIBARA SEIBUTSU KAGAKU
KENKYUJO, a corporation of the Country of Japan, having a
principal place of business at 2-3, 1-chome, Shimoishii,
Okayama-shi, Okayama, Japan, (hereinafter referred to as
"Assignee"), is the owner of 100% of the entire right, title
and interest in and to the above-identified application and any
patent to be granted thereon. Assignee, through its
undersigned agent of record, hereby disclaims the terminal part
of any patent granted on the above-identified application which
would extend beyond the expiration date of the full statutory
term of United States Patent No. 5,912,324, plus any extension
thereof which may be subsequently granted, and hereby agrees
that any patent so granted on the above-identified application

shall be enforceable only for and during such period that said patent is commonly owned with United States Patent No. 5,912,324, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns. Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 5,912,324 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(1), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above. This terminal disclaimer is being made without waiver of petitioner's rights under 35 U.S.C. §156, or elsewhere, which may be available to extend the term of any patent granted on the above-identified application beyond the date set by this terminal disclaimer (37 C.F.R. §1.775(a)). The fee required by 37 C.F.R. §1.20(d) is attached hereto.

It is Assignee's intent that the amount of time disclaimed and the scope of the common ownership clause be the minimum required by law and this document is to be construed to effectuate said intent. No admission is made that any claim of

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the above-identified application is obvious over any claim of
Patent No. 5,912,324.

Respectfully submitted,

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By



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